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TO RUEHC/SECSTATE WASHDC IMMEDIATE 8833
INFO RUCNIAD/IGAD COLLECTIVE PRIORITY
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 6391
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 0066
RHMFISS/CJTF HOA PRIORITY
RUZEFAA/CDR USAFRICOM STUTTGART GE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 000525

SIPDIS

AF/E FOR SUSAN DRIANO, DRL FOR MOLLIE DAVIS, LONDON AND
AFRICA FOR AFRICA WATCHERS

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TAGS: [PHUM](#) [PREL](#) [PGOV](#) [KE](#)

SUBJECT: THREATS TO HUMAN RIGHTS DEFENDERS INCREASING

REF: A. NAIROBI 458

[1](#)B. NAIROBI 413

Classified By: Ambassador Michael E. Ranneberger for reasons 1.4 (B and D)

SUMMARY

[1](#)1. (C) Following the March 5 murder of two human rights activists from the Oscar Foundation NGO in Nairobi (Reftel A), an increasing number of human rights activists have been subjected to threats, mainly through text messages. Several leading human rights activists have temporarily fled Kenya in response to threats. We have received indications from credible NGO contacts that the number of threatened human rights activists is likely to increase. Post is working with a local NGO network to protect human rights defenders and like-minded embassies to coordinate resources available to assist human rights defenders in the current difficult environment. We have already interviewed one activist who we believe has a credible fear of persecution and are awaiting his decision on whether he wishes to seek refugee status in the U.S. The Ambassador is fully engaged and is weighing in publicly or privately to raise public awareness of the issue and to ensure that the GOK takes seriously its obligation to protect human rights defenders. End Summary.

THREATS SPOOK HUMAN RIGHTS DEFENDERS

[1](#)2. (C) Our contacts in the human rights community tell us that they are receiving an increasing number of threats since the visit of the UN Special Rapporteur for Extrajudicial Killings (the Special Rapporteur) in February and especially following the March 5 murder of two human rights activists from the Oscar Foundation NGO (Reftel A). The majority of threats are transmitted through SMS text messages. Some threatening messages have contained the names of low-profile human rights activists working to investigate extrajudicial killings, indicating that the person(s) sending the messages have a high degree of intelligence about human rights NGO activities. For example, on March 10 Sam Mohochi, the Executive Director of the Independent Medico-Legal Unit, received a message stating, "You are Fools! you...should ask Oscar how it feels." (Note: Oscar was the nickname of one of the activists murdered on March 5. End Note.) Later that day, poloff met with Hassan Omar, the Vice Chair of the Kenyan National Commission for Human Rights (KNCHR), who has been front and center in challenging the GoK to investigate extrajudicial killings. Omar had received a threatening message sent from the same phone number as the above message to Mohochi. Both Mohochi and Omar have fled Kenya temporarily

to allow the situation to calm down. The KNCHR's senior human rights officer Kamanda Mucheke has fled to Finland in the face of threats received before and after the March 5 murders.

13. (C) Police have allegedly been applying pressure to human rights activists in the Mt. Elgon region who facilitated the visit of the Special Rapporteur in February. According to Job Bwonya, the director of the Bungoma-based Western Kenya Human Rights Watch (WKHRW - not affiliated with the New York-based Human Rights Watch) police in the Mt. Elgon region visited WKHRW offices on three occasions during the period of March 1-4, demanding the names of all persons who testified before the Special Rapporteur. WKHRW closed its office on March 7 in response both to police behavior and the March 5 murders. Staff members have fled the Mt. Elgon area. Bwonya and two of his fellow Mt. Elgon area human rights activists fled to Uganda two weeks ago in response to pressure being applied by police and provincial administration officials during and after the visit of the Special Rapporteur (Reftel B).

POST RESPONSE

14. (C) Since the March 5 murders, we have liaised intensively with the local human rights defenders network and like-minded diplomatic missions to see how we might assist those with a credible fear of persecution. The local human rights defender (HRD) network is funded through grants from the Finnish, Norwegian, and Dutch Embassies. Its funds are administered by the African Center for Open Governance, while

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risk assessments are made by officials from IMLU. If the assessment determines that the threat is bona fide, the Kenya Human Rights Commission (independent from KNCHR) finds a safe house for the human rights defender either in Kenya or regionally. Already we have taken a referral from the local HRD network. Poloff and Refcoord interviewed the activist, who helped compile the Oscar Foundation's submission to the Special Rapporteur that implicated police in extrajudicial killings. We found his story credible and Refcoord offered him access to the resettlement program based on his well-founded fear of persecution. According to the local HRD network, the number of cases is increasing, though they admitted that several cases proved not to be credible. According to our contacts, the majority of cases are likely to require temporary relocation until the situation cools down. We are preparing to submit Global Human Rights Defender Fund requests for assistance based on referrals from the local HRD network and appropriate corroboration by poloff. The Ambassador is fully engaged and is weighing in publicly or privately to raise public awareness of the issue and to ensure that the GOK takes seriously its obligation to protect human rights defenders.
RANNEBERGER